

Proposed rule: *Card Format Passport; Changes to Passport Fee Schedule*
Official Canadian Comment

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The Government of Canada appreciates this opportunity to provide its views on the *Proposed Rule for Card Format Passport; Changes to Passport Fee Schedule*, Department of State, docket number DOS 2006-0393.

For more than a century, Canada and the United States have shared a unique relationship, characterized by common values, a shared commitment to continental and international security, close people to people ties, as well as integrated economic and business interests. In our cooperative struggle against terrorism and crime, we need to ensure that we do not build walls between us. On July 6, 2006, Prime Minister Stephen Harper met with President Bush in Washington DC and said, "I would hate to see a law go into place that has the effect of not just limiting and endangering trade or tourism, but endangering all those thousands of social interactions that occur across our border every day, and are the reason why Canada and the United States have the strongest relationship of any two countries....".

The Government of Canada recognizes that the intent of the proposed Passport Card is to provide U.S. citizens with a convenient and lower cost document alternative to the regular passport to re-enter the U.S. by land and sea ports of entry. The Government of Canada appreciates that in proposing the Passport Card, the U.S. Government is seeking to address the unique circumstances of millions of its citizens living in border communities and states that frequently cross the shared border between our two countries. However, the Government of Canada believes that the security, economic and border processing impacts that proposed new documents could have on our unique, shared border relationship need to be taken into careful consideration.

While the proposed Passport Card will provide an alternative to the traditional passport, the Government of Canada encourages the U.S. Government to explore how other alternate documents could facilitate the movement of legitimate travel across our shared border while also satisfying Western Hemisphere Travel Initiative (WHTI) requirements. The Government of Canada believes that it is in our mutual interest to use the flexibility that exists in the underlying WHTI legislation, which requires "a passport or other document or combination of documents, deemed ... to be sufficient to denote identity and citizenship...". Canada recommends that together we should explore document options, in addition to the passport or passport-like documents, which we believe should not be the only legal way to cross our shared border. This could include, during a transitional phase, accepting existing documents, or combinations of documents, which would be sufficient to denote identity and citizenship, particularly if proposed document options such as the Passport Card are not yet fully developed or available by implementation deadlines.

Our respective governments should work together to explore practical solutions for enhancing commonly held documents, such as the driver=s license, which could satisfy WHTI requirements. States such as Washington and Michigan, and provinces such as British Columbia and Ontario, have a great deal at stake and have shown a willingness to be part of the solution. By working with states and provinces, the Government of Canada believes we can identify and test innovative document options that could facilitate the

thousands of legitimate cross-border interactions that occur daily, as well as improve security. Canada proposes that the Canada/U.S. WHTI Working Group jointly explore the feasibility of alternative documents.

In 2005, the U.S. received 37.8 million visits from Canada, 86% of which arrived by land (or 32.5 million). Similarly, Canada received some 31.5 million visits from the U.S., 87% by land (or 27.5 million). About half of these are same day visits, many made by people who did not plan their visit in advance. It is not clear the extent to which the proposed Passport Card would address this type of "spontaneous" travel. Furthermore, new document requirements, if not well understood by the public, or if not properly supported (by training, infrastructure and technology), could result in a significant disruption to our mutual tourism, service industries and supply chains from other industries (e.g. auto industry). Delays and congestion at busy border crossings caused by inadequately supported new document requirements will also negatively impact our trade and economic relationship (over US \$1.5 billion daily in goods and services), affecting businesses and risking the livelihoods of millions of Canadian and U.S. citizens who depend on a secure and efficient border. Any disruption or confusion at the border would be felt particularly in our highly integrated border communities - ranging from large municipalities to remote border regions - which have a long history of citizens crossing the border on a daily basis to go to school, work, obtain essential health and other services, or to visit friends and family.

The Government of Canada is concerned that the proposed Passport Card may not be sufficiently resourced, developed, or available by what we understand to be your proposed WHTI implementation date of January 1, 2008, for land and sea ports of entry. This is an extremely short time frame for any government to develop a new document, test new radio frequency identification (RFID) technologies, and to publicise and market the document. Furthermore, for the card to function as it is intended, it will require significant infrastructure at the border, including additional lanes, well-trained staff and readers.

Experience with programs designed to expedite border clearances such as NEXUS and FAST have demonstrated the complexity of introducing new border initiatives. We will need to give careful consideration to how the proposed Passport Card will impact on these programs. NEXUS and FAST have clearly demonstrated that successful implementation requires significant inter-agency cooperation, adequate resources and effective communications planning and outreach activities.

The Government of Canada urges the U.S. government to use the additional time provided by the Fiscal Year 2007 Homeland Security Appropriations Bill of September 29, 2006, signed into law by President Bush on October 4, 2006, which allows for postponement of implementation of WHTI for land and sea modes of travel by up to 17 months, or up to June 1, 2009. This would allow for more time to ensure that the proposed Passport Card meets security and facilitation objectives, including by more fully testing Passport Card technology, training border personnel, and by installing necessary technological and physical infrastructure at high-volume ports of entry. The Government of Canada through the Canada Border Services Agency (CBSA) would welcome the opportunity to observe this testing and implementation.

The Government of Canada would appreciate more information as to how the U.S. envisions the technology and databases working. Both governments have invested a lot of resources in the existing Radio Frequency Identification (RFID) technology equipment used to support the NEXUS program. The Government of Canada is concerned that the U.S. intention to use the newer Generation 2 readers for the Passport Card will require the replacement of the current NEXUS readers.

Widespread public awareness of new requirements to enter the U.S. and proposed new documents for U.S. citizens is essential to minimize the potential negative impact of this initiative. The Government of Canada would therefore encourage the U.S. Government to develop a high profile communications and outreach campaign to accompany the development and release of the Passport Card. We consider it imperative that the U.S. Government begin its Passport Card communications campaign well in advance of the card's release. The campaign must effectively target specific communities that would most likely apply for and use the card. The objective of the campaign should be to increase the card's profile generally while creating a higher level of awareness and knowledge among target travellers and businesses. The campaign should also educate frequent travellers and businesses about the reasons for the Passport Card and promote the benefits of obtaining the card.

Along with a communications and outreach program, the Government of Canada believes that more public information is needed on how the proposed Passport Card will be rolled out. This would include releasing additional details on the steps the U.S. Government is taking to research, plan, develop and distribute the proposed Passport Card, according to transparent time-lines. Canada believes that additional and timely information on key dates and milestones as well as on how the U.S. Government will evaluate and measure the success of the Passport Card initiative, will contribute to a better understanding, provide more transparency, and increase awareness of the proposed card.

Finally, the Government of Canada believes that allowing the Passport Card to be used for air travel between Canada and the U.S. would increase its versatility and make it a much more attractive option.

The Government of Canada thanks the U.S. Government for the opportunity to contribute to this rule-making process. In the spirit of the principle of shared border management, the Government of Canada looks forward to continuing our close, constructive cooperation with the U.S. Government to ensure that our shared border is secure and that the flow of legitimate goods and people continues to move efficiently between our two countries.